

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FORTRESS INSURANCE COMPANY )

Plaintiff, )

vs. )

OCEAN DENTAL, P.C. and )  
ROBIN LOCKWOOD, D.D.S., )

Defendants. )

Civil Action No. CIV-13-0322-R

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OCEAN DENTAL, P.C., )

Third-Party Plaintiff, )

vs. )

CONTINENTAL CASUALTY COMPANY )  
d/b/a CAN, )

Third-Party Defendant/Fourth-Party )  
Plaintiff, )

vs. )

CHAD HOECKER, D.D.S.; )  
ROBIN LOCKWOOD, D.D.S.; )  
MARIA AGUINA, as Mother and Next Friend of )  
C.A., a minor, and M.A., a minor; )  
ROSA LASURE, as Mother and Next Friend of )  
A.A., a minor; )  
ANALLELY AVALOS; )  
EVERARDO AVALOS; )  
MARIA AVALOJ, as Mother and Next Friend of )  
G.A., a minor; )  
MARIA MORFIN, as Mother and Next Friend of )  
E.A., a minor; )  
GABRIELA PEREZ, as Mother and Next Friend )  
of J.A., a minor, and J.A., a minor; )  
JUAN ESCOBAR MARTINEZ, as Father and )  
Next Friend of A.E., a minor; )  
ANGELICA TRIANA, as Mother and Next Friend )  
of B.F., a minor, and D.F., a minor; )

MICHELE GARCIA, as Mother and Next Friend )  
of C.G., a minor; )  
MAGDALENA HERNANDEZ, as Mother and )  
Next Friend of A.H., a minor; )  
ROSE LASURE, as Mother and Next Friend of )  
A.L., a minor; )  
GABRIELA LONGORIA; )  
GUADALUPE HERRERA, as Father and Next )  
Friend of A.L., a minor; )  
PATRICIA LONGORIA, as Mother and Next )  
Friend of E.L., a minor, and L.L., a minor; )  
ERICA MARTINEZ, as Mother and Next Friend )  
of E.M., a minor; )  
LETICIA HERRERA, as Mother and Next Friend )  
of J.P., a minor; )  
VICTOR PENA; )  
GLORIA GARCIA, as Mother and Next Friend of )  
A.R., a minor; )  
VERONICA RAMIREZ, as Mother and Next )  
Friend of I.R., a minor, P.R., a minor, and )  
Y.R., a minor; )  
ALMA RAMOS, as Mother and Next Friend of )  
C.R., a minor; )  
GARARDO G. RAMOS; )  
EMILIA MENDEZ, as Mother and Next Friend of )  
H.R., a minor, N.R., a minor, and S.R., a minor; )  
LUCIA OCHOA, as Mother and Next Friend of )  
G.T., a minor, and P.T., a minor; and )  
ROSA LASURE, as Mother and Next Friend of )  
A.V., a minor, and A.V., a minor, )  
) )  
Fourth-Party Defendants. )

**ANSWER TO CONTINENTAL CASUALTY COMPANY'S  
FOURTH-PARTY COMPLAINT AND COUNTERCLAIM**

COMES NOW, Fourth-Party Defendants, Maria Aguina, as Mother and Next Friend of C.A., a minor, and M.A., a minor; Rosa Lasure, as Mother and Next Friend of A.A., a minor; Anallely Avalos; Everardo Avalos; Maria Avaloj, as Mother and Next Friend of G.A., a minor; Maria Morfin, as Mother and Next Friend of E.A., a minor; Gabriela Perez, as Mother and Next Friend of J.A., a minor, and J.A., a minor; Juan Escobar Martinez, as Father and Next Friend of A.E., a minor; Angelica Triana, as Mother and Next Friend of B.F., a minor, and D.F., a minor;

Michele Garcia, as Mother and Next Friend of C.G., a minor; Magdalena Hernandez, as Mother and Next Friend of A.H., a minor; Rose Lasure, as Mother and Next Friend of A.L., a minor; Gabriela Longoria; Guadalupe Herrera, as Father and Next Friend of A.L., a minor; Patricia Longoria, as Mother and Next Friend of E.L., a minor, and L.L., a minor; Leticia Herrera, as Mother and Next Friend of J.P., a minor; Victor Pena; Gloria Garcia, as Mother and Next Friend of A.R., a minor; Veronica Ramirez, as Mother and Next Friend of I.R., a minor, P.R., a minor, and Y.R., a minor; Alma Ramos, as Mother and Next Friend of C.R., a minor; Garardo G. Ramos; Emilia Mendez, as Mother and Next Friend of H.R., a minor, N.R., a minor, and S.R., a minor; Lucia Ochoa, as Mother and Next Friend of G.T., a minor, and P.T., a minor; and Rosa Lasure, as Mother and Next Friend of A.V., a minor, and A.V., a minor (“Minor Defendants”), and files this Answer to Third-Party Defendant/Fourth-Party Plaintiff, Continental Casualty Company’s Fourth-Party Complaint and Counterclaim (“Fourth-Party Complaint”) and states as follows:

### **I. ANSWER**

1. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 27 of the Fourth-Party Complaint.
2. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 28 of the Fourth-Party Complaint.
3. Minor Defendants admit allegations contained in Paragraph 29 of the Fourth-Party Complaint.
4. Minor Defendants admit the allegations contained in Paragraph 30 of the Fourth-Party Complaint.

5. Minor Defendants admit the allegations contained in Paragraph 31 of the Fourth-Party Complaint.

6. Minor Defendants admit the allegations contained in Paragraphs 32-56 of the Fourth-Party Complaint.

7. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 57 of the Fourth-Party Complaint.

8. Minor Defendants admit the allegations contained in Paragraph 58 of the Fourth-Party Complaint.

9. Minor Defendants admit the allegations contained in Paragraph 59 of the Fourth-Party Complaint.

10. Minor Defendants admit the allegations contained in Paragraph 60 of the Fourth-Party Complaint.

11. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 61 of the Fourth-Party Complaint.

12. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 62 of the Fourth-Party Complaint.

13. Minor Defendants admit the allegations contained in Paragraph 63 of the Fourth-Party Complaint.

14. Minor Defendants admit the allegations contained in Paragraph 64 of the Fourth-Party Complaint.

15. Minor Defendants admit the allegations contained in Paragraph 65 of the Fourth-Party Complaint.

16. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 66 of the Fourth-Party Complaint.

17. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 67 of the Fourth-Party Complaint.

18. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 68 of the Fourth-Party Complaint.

19. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 69-79 of the Fourth-Party Complaint.

20. Minor Defendants deny that the dental treatment performed was not a professional service as this term is defined in Continentals Policy. Minor Defendants are without knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 80 of the Fourth-Party Complaint.

21. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 81-83 of the Fourth-Party Complaint.

22. Minor Defendants are not seeking sanctions or penalties. Minor Defendants seek compensation for damages clearly covered under Continental's Policy. Minor Defendants are without knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 84 of the Fourth-Party Complaint.

23. Minor Defendants are without knowledge or information to form a belief as to the truth of the allegations contained in Paragraphs 85-95 of the Fourth-Party Complaint.

24. Minor Defendants reserve the right to amend their answer.

Dated: September 13, 2013.

Respectfully submitted,

s/Steven T. Horton

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*Attorneys for Fourth-Party Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the above and foregoing *Answer to Continental Casualty Company's Fourth-Party Complaint and Counterclaim* has been served on counsel of record via the Court's ECF system on this 13<sup>th</sup> day of September, 2013, as follows:

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s/Steven T. Horton

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